PART IV

Section 2-A.

MYSORE BILLS AND REPORTS OF SELECT COMMITTEES THEREON.

NOTIFICATION.

No. 1355—L.A. Bangalore, dated the 30th May 1951.

As required by Standing Order 36 of the Legislative Assembly Standing Orders the following report of the Select Committee on the City of Bangalore Municipal Corporation (Amendment) Bill, 1951, with the amended bill is hereby published.

MYSORE LEGISLATIVE ASSEMBLY.

Budget Session, 1951.

Report of the Select Committee on the City of Bangalore Municipal Corporation (Amendment) Bill, 1951.

(*Presented on 28th May 1951*).

We, the Members of the Select Committee appointed to consider the City of Bangalore Municipal Corporation (Amendment) Bill, 1951, have examined the several clauses of the Bill. We have also met representatives of the Bangalore Municipal Corporation and have been benefited by their views. We have the honour to submit the following report :—

Original Clause 3.—We consider it unnecessary to provide for any special representation for Associations or corporate bodies and we accordingly recommend that clause 3 of the Bill may be omitted.

Original Clause 5.—Section 20 of the Corporation Act empowers the Corporation to make regulations for the purpose of determining the powers and duties of

each standing committee and for a conference of two or more standing committees or for the appointment of joint committees. We consider it unnecessary to require that these regulations should take effect only after approval by the Government. We accordingly recommend that clause 5 of the Bill may be deleted.

Original Clause 6.—We have carefully examined the proposed section 22A and we are of the opinion that it is not desirable to provide that no decision of a standing committee should have effect unless it is approved by a resolution of the Corporation. In matters relating to the municipal government of the City, it is doubtless true that the Corporation must have the ultimate control. But standing committees if permitted to function in their own right would relieve the Corporation of a great deal of the details of such Government. We however consider it desirable that the limit up to which a standing committee may operate in its own right without reference to the Corporation, except in cases where the Corporation directs otherwise, should be changed and we accordingly recommend that expenditure or estimates which may be sanctioned by a standing committee may be changed from Rs. 25,000 to Rs. 10,000. Necessary amendments to the Corporation Act will be indicated in their proper places in this report. We recommend that clause 6 of the Bill may be deleted in the circumstances.

Clause 7 (*Original Clause* 10).—We recommend that clause 7 be recast as follows :—

"7. In section 47 of the said Act,—

(*a*) the words "on the ground that it is in excess of the powers conferred by this Act or by any rules made under this Act" in clause (*a*) of sub-section (2) shall be omitted ;

(*b*) at the end of the proviso to sub-section (2) the words "and the order of the Government thereon shall be final" shall be added ; and

(*c*) sub-section (3) shall be omitted."

Clause 10 (*Original Clause* 13).—Clause 10 of the Bill seeks to add a sub-section to section 73 to

the effect that no sale or transfer of any property exceeding Rs. 5,000 and no grant of any property whatsoever free of cost or at an upset price should be valid except with the previous sanction of the Government. We consider it sufficient if the previous sanction of the Government is required only in cases of free grants of any property or of sale of property exceeding Rs. 2,000 otherwise than by public auction. We accordingly recommend that sub-section (6) of section 73 proposed to be added by clause 10 may be recast as follows :—

"(6) Notwithstanding anything contained in the foregoing provisions of this section, no property, whether movable or immovable, exceeding Rs. 2,000 in value shall be sold otherwise than by public auction and no property movable or immovable of whatever value shall be granted free of cost except with the previous sanction of the Government."

Clause 11 (*Original Clause* 14).—Since the powers of a standing committee are proposed to be changed, we consider it desirable that the powers of the Commissioner should also be correspondingly changed. We are also of the view that it is desirable that the limits up to which the Corporation can act in its own right should also be changed from one lakh of rupees to Rs. 50,000. We accordingly recommend that clause 11 may be recast as follows :—

"11. In section 77 of the said Act,—

(*a*) in sub-section (1) for the words "five thousand rupees" the words "three thousand rupees" shall be substituted ;

(*b*) in sub-section (2) for the words "five thousand rupees" the words "three thousand rupees" and for the words "twenty-five thousand rupees" the words "ten thousand rupees" shall be substituted ;

(*c*) after sub-section (2) the following sub-section shall be added :—

(3) Any estimate the amount of which exceeds Rs. 10,000, and where the

Corporation either generally or in any specified case so directs any estimate the amount of which is less than Rs. 10,000, shall require the sanction of the Corporation."

Clause 12 (*Original Clause* 15).—Since we have recommended that the limits of the Corporation may be changed to Rs. 50,000, we recommend that the words "twenty-five thousand rupees" occurring in sub-clause (2) of clause 12 may be substituted by the words "fifty thousand rupees".

"*Clause* 13 (*New Clause*)—Section 79 of the Act would require changes corresponding to those recommended in respect of sections 77 and 78. We accordingly recommend that a new clause may be inserted in the Bill as follows :—

"13 In sub-section (2) of section 79 of the said Act,—

(*a*) in clause (*c*) for the words "five thousand rupees" the words "three thousand rupees" and for the words "twenty-five thousand rupees" the words "ten thousand rupees" shall be substituted ;

(*b*) in clause (*d*) for the words "twenty-five thousand rupees" the words "ten thousand rupees" shall be substituted ; and

(*c*) in clause (*e*) for the words "five thousand rupees" the words "three thousand rupees" shall be substituted."

"*Clause* 14 (*New Clause*).—Clause 15 of the Bill requires that appointments to posts carrying a salary of not less than Rs. 250 should be made with the previous sanction of the Government. The idea underlying this clause is to make even appointments under section 84 or 85 subject to this provision. We consider it necessary to amend these sections also in this respect and we accordingly recommend the following amendments to sections 84 and 85 :—

"14. The proviso to sub-section (1) of Section 84 and the third proviso to section 85 of the said Act shall be omitted."

Clause 15 (*Original Clause* 16).—We recommend that sub-section (2) of section 89 proposed to be added by clause 15 may be recast as follows :—

"(2) Any appointment to an office under the Corporation under section 84 or section 85 or under this section the maximum monthly salary of which exceeds Rs. 250 shall be made only with the previous sanction of the Government."

Clause 16 (*Original Clause* 17).—We recommend that in clause (*f*) proposed to be added to section 97, for the words "toll on vehicles" the words "toll on vehicles other than motor vehicles paying vehicle tax under the Mysore Motor Vehicles Taxation and Tolls Act, 1951 (Act XII of 1951)" may be substituted :

Clause 18 (*Original Clause* 19).—We are of the opinion that the duty on transfers of property should be limited to sale, gift or mortgage only and we accordingly recommend that the words "or otherwise" in the two places where they occur in clause 19 may be deleted.

"*Clauses* 19 *and* 20 (*New Clauses*).—Under clause 6 of the Bill, the official year will commence on the first day of April and this would require that sections 163, 164, 165 and 167 should be correspondingly amended. We accordingly recommend that the following new clauses may be inserted in the Bill :—

"19. In section 163 of the said Act, for the words "Fifteenth day of April" the words "Fifteenth day of January" shall be substituted.

"20. In section 164 of the said Act,—

(*a*) in sub-section (1) for the words "Fifteenth day of April" the words "Fifteenth day of January" shall be substituted; and

(*b*) in sub-section (3) for the words "Fifteenth day of May" the words "First day of February" shall be substituted.

Clause 21 (*New Clause*).—In section 165 of the said Act, for the words "First week of June" the words "Fifteenth day of February" shall be substituted."

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Clause 22 (*Original Clause* 20).—Section 167 of the Corporation Act requires that the Corporation should pass the Budget before the beginning of the year and submit a copy to Government which may modify the Budget to ensure due fulfilment of the several duties imposed on the Corporation by the Act or by any other law. We feel that the amendment proposed by clause 22 would not be effective unless sub-section (2) of section 167 is also amended. We also consider it necessary for Government to have at least two weeks time to scrutinise the Budget of the Corporation. We accordingly recommend that for the original clause 20, the following clause may be substituted :—

"*Clause* 22.—For Section 167 of the said Act, the following section shall be substituted :—

"167 (1) The Corporation shall finally pass the Budget Estimate at least 3 weeks before the beginning of the year to which it relates and shall forthwith submit a copy thereof to the Government.

(2) The Government may sanction the Budget in its entirety or subject to such modifications as it thinks fit."

Clause 23 (*New Clause*).—By the amendment proposed to section 77 of the Act, it is now made permissible for the Corporation to examine any resolution of a standing committee requiring expenditure of amounts even less than Rs. 10,000. In order that a member of the Corporation may be enabled to raise such a matter in the Corporation and get its decision, it is necessary that resolutions of a standing committee should be made available to members well in time. We accordingly recommend that a new rule may be added to Schedule II of the Act as Rule 21 :—

"21. Every resolution of a standing committee shall be made available to every member of the Corporation within fifteen days from the date of the passing of such resolution, and the Corporation may, on a motion by any member of the Corporation, modify or amend or revoke any such resolution."

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The Bill was published in the *Mysore Gazette*, Extraordinary, dated 14th March 1951.

In our opinion the Bill has not been so altered as to require republication.

R. Chennigaramiah (*Chairman*).
Mohamed Hanief.
B. M. Shamanna Gowda.
V. S. Narayana Rao.
W. H. Hanumanthappa.
M. C. Sivananda Sarma.

BANGALORE,
14th May 1951.

NOTE—Sri G. A. Acharya and *Lokasevaniratha* M. Hanumanthiah have not signed the report.

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(As Amended by the Select Committee.)

(Words underlined or sidelined indicate the changes suggested by the Committee. Omissions are indicated by asterisks.)

THE CITY OF BANGALORE MUNICIPAL CORPORATION (AMENDMENT) BILL, 1951.

A Bill further to amend the City of Bangalore Municipal Corporation Act, 1949.

Preamble.

WHEREAS it is expedient further to amend the City of Bangalore Municipal Corporation Act, 1949, (Mysore Act LXIX of 1949), for the purposes hereinafter appearing;

It is hereby enacted as follows :—

Short title and commencement.

1. (1) This Act may be called the City of Bangalore Municipal Corporation (Amendment) Act, 1951.

(2) It shall come into force at once.

Amendment of section 3 of Mysore Act LXIX of 1949.

2. In section 3 of the City of Bangalore Municipal Corporation Act, 1949, (hereinafter referred to as the said Act), after clause (18), the following clause shall be inserted namely :—

"(18-*a*) 'Government' means the State Government;"

3. * * * *

Amendment of section 6 of Mysore Act LXIX of 1949.

3. In sub-section (1) of section 6 of the said Act, for the word "five," the word "six" shall be substituted, and after clause (v), the following clause shall be added, namely :—

"(vi) education."

5. * * * *

6. * * * *

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4. In section 23 of the said Act, in sub-section (1), the words "but the Corporation shall not be entitled to exercise functions expressly assigned by or under this Act or any other law for the time being in force to a Standing Committee or the Commissioner", and sub-section (2) shall be omitted. Amendment of section 23 of Mysore Act LXIX of 1949.

5. Section 26 of the said Act shall be numbered as sub-section (1) of the said section and after the section as so numbered, the following sub-section shall be added namely:— Amendment of section 26 of Mysore Act LXIX of 1949.

"(2) Without prejudice to the provisions of sub-section (1), the Corporation may make provision in the annual budget for serving light refreshment at the meetings of the Corporation and the Standing Committees,"

6. In sub-section (1) of section 42 of the said Act, for the words "first day of July," the words "first day of April" shall be substituted; and for the words "first day of July", wherever they occur in the said Act, the words "first day of April" shall be substituted. Amendment of section 42 of Mysore Act LXIX of 1949.

7. In section 47 of the said Act,— Amendment of section 47 of Mysore Act LXIX of 1949.

(*a*) the words 'on the ground that it is in excess of the powers conferred by this Act or by any rules made under this Act' in clause (*a*) of sub-section (2) shall be omitted;

(*b*) at the end of the proviso to sub-section (2) the words "and the order of the Government thereon shall be final" shall be added; and

(*c*) sub-section (3) shall be omitted.

8. In sub-section (1) of section 58 of the said Act, for the words "His Highness the Maharaja" where they occur for the first time, the words "the Constitution" shall be substituted; for the words 'solemnly $\frac{\text{swear}}{\text{affirm}}$ that I will be faithful and bear true allegiance to His Highness the Maharaja of Amendment of section 58 of Mysore Act LXIX of 1949.

Mysore, his heirs and successors," the words "swear in the name of God ~~that~~ solemnly affirm that I will bear true faith and allegiance to the Constitution of India" shall be substituted, and for the word "duties," the word "duty" shall be substituted.

Amendment of section 70 of Mysore Act LXIX of 1949.

9. In section 70 of the said Act, for the figure "70", the figure "69" shall be substituted.

Amendment of section 73 of Mysore Act LXIX of 1949.

10. After sub-section (5) of section 73 of the said Act, the following sub-section shall be added, namely:—

"(6) Notwithstanding anything contained in the foregoing provisions of this section, no property whether movable or immovable exceeding two thousand rupees in value shall be sold otherwise than by public auction and no property movable or immovable of whatever value shall be granted free of cost except with the previous sanction of the Government."

Amendment of section 77 of Mysore Act LXIX of 1949.

11. In section 77 of the said Act,—

(*a*) in sub-section (1) for the words "five thousand rupees" the words "three thousand rupees" shall be substituted;

(*b*) in sub-section (2) for the words "five thousand rupees" the words "three thousand rupees" and for the words "twenty-five thousand rupees" the words "ten thousand rupees" shall be substituted;

(*c*) After sub-section (2) the following sub-section shall be added:

"(3) Any estimate the amount of which exceeds ten thousand rupees and where the Corporation either generally or in any specified case directs any estimate the amount of which is less than ten thousand rupees shall require the sanction of the Corporation."

12. In section 78 of the said Act,—

Amendment of section 78 of Mysore Act LXIX of 1949.

(1) in sub-section (1) for the words "twenty-five thousand rupees" the words "ten thousand rupees", shall be substituted;

(2) in clause (*a*) of sub-section (2), for the words "one lakh of rupees", the words "fifty thousand rupees" shall be subsituted.

13. In sub-section (2) of section 79 of the said Act,—

Amendment of section 79 of Mysore Act LXIX of 1949.

(*a*) in clause (*c*) for the words "five thousand rupees" the words "three thousand rupees" and for the words "twenty-five thousand rupees" the words "ten thousand rupees" shall be substituted;

(*b*) in clause (*d*) for the words "twenty-five thousand rupees" the words "ten thousand rupees" shall be substituted; and

(*c*) in clause (*e*) for the words "five thousand rupees" the words "three thousand rupees" shall be substituted.

14. The proviso to sub-section (1) of section 84 and the third proviso to section 85 of the said Act shall be omitted.

Amendment of sections 84 and 85 of Mysore Act LXIX of 1949.

15. Section 89 of the said Act shall be numbered as sub-section (1) of that section and after the section as so numbered, the following sub-section shall be added, namely :—

Amendment of section 89 of Mysore Act LXIX of 1949.

"(2) Any appointment to an office under the Corporation under section 84 or section 85 or under this section the maximum monthly salary of which exceeds two hundred and fifty rupees shall be made only with the previous sanction of the Government."

16. In section 97 of the said Act, after clause (*e*), the following clause shall be inserted, namely :—

Amendment of section 97 of Mysore Act LXIX of 1949.

"(*f*) a toll on vehicles other than motor vehicles paying vehicle tax under the Mysore Motor

Vehicles Taxation and Tolls Act 1951 (Act XII of 1951) entering the Corporation limits;" and the existing clauses (*f*) and (*g*) shall be re-lettered as clauses (*g*) and (*h*) and the existing clause (*h*) shall be omitted.

Amendment of section 101 of Mysore Act LXIX of 1949.

17. In section 101 of the said Act,

(1) in clause (*h*) the words "being neither building, nor land" shall be omitted;

(2) after clause (*i*), the following clause shall be inserted, namely :—

"(*j*) buildings belonging to the Government or the Government of India;" and the existing clause (*j*) shall be re-lettered as clause (*k*).

Amendment of section 142 of Mysore Act LXIX of 1949.

18. In section 142 of the said Act, for the words "on instruments of sale and gift", the words "on all instruments of transfer of immovable property by sale, gift or mortgage * * *" shall be substituted, and for the words "sale or gift" in the proviso, the words "sale, gift or mortgage * * *" shall be substituted.

Amendment of section 163 of Mysore Act LXIX of 1949.

19. In section 163 of the said Act for the words "Fifteenth day of April" the words "Fifteenth day of January" shall be substituted.

Amendment of section 164 of Mysore Act LXIX of 1949.

20. In section 164 of the said Act,—

(*a*) in sub-section (1) for the words "Fifteenth day of April" the words "Fifteenth day of January" shall be substituted; and

(*b*) in sub-section (3) for the words "Fifteenth day of May" the words "First day of February" shall be substituted.

Amendment of section 165 of Mysore Act LXIX of 1949.

21. In section 165 of the said Act, for the words "First week of June," the words "Fifteenth day of February" shall be substituted,

22. For section 167 of the said Act, the following section shall be substituted :— Substitution of section 167 of Mysore Act LXIX of 1949.

"167 (1) The Corporation shall finally pass the Budget Estimate at least three weeks before the beginning of the year to which it relates and shall forthwith submit a copy thereof to the Government.

(2) The Government may sanction the Budget in its entirety or subject to such modifications as it thinks fit."

23. The following new rule may be added to Schedule II of the said Act as Rule 21 :— Amendment of schedule II of Mysore Act LXIX of 1949.

"21. Every resolution of a Standing Committee shall be made available to every member of the Corporation within fifteen days from the date of the passing of such resolution and the Corporation may, on a motion by any member of the Corporation, modify or amend or revoke any such resolution."

G. S. VENKATARAMANA IYER,
Secretary,
Mysore Legislature.